REMARKS

The present response is accompanied by a Request for Continued Examination (RCE). Claims 38, 40-49, 54, 55, 57 and 58 are currently pending in the present application. Claims 38, 40, 45, 46, 49, 54, 55 and 58 have been amended. No claims have been added, and none of the claims have been canceled. Claims 1-37, 39, 50-53 and 56 previously were canceled. Therefore, claims 38, 40-49, 54, 55, 57 and 58 will be pending in the application after entry of the foregoing claim amendments.

Interview Summary

Applicants gratefully acknowledge the time and attention afforded by Examiner Colan during a telephonic interview on August 26, 2008. During the interview, Applicants' representative and Examiner Colan discussed the claims, and the non-anticipatory and non-obvious nature of the claims in view of the references cited in the Office Action. Applicants' representative proposed amending the claims to further distinguish the claims from the references. Examiner Colan agreed to reconsider the application in view of the proposed claim amendments. Accordingly, Applicants have amended the claims as discussed during the interview.

Rejections under 35 U.S.C. § 103

Independent Claim 38

Independent claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,634,123 ("Bennion") in view of U.S. Patent No. 6,266,673 ("Hong"). Without conceding the merits of the rejection, Applicants have amended claim 38 to further clarify the claimed subject matter.

As amended, claim 38 recites, in part, a binary fragment associated with an object. The binary fragment includes a binary fragment header and a binary fragment payload. The binary fragment payload is devoid of any non-primitive members of the object. The binary fragment header includes a type field *that indicates that the binary fragment payload is devoid of any non-primitive data members*. The Office Action contends that the code point 202 found at each of Bennion's records corresponds to the recited binary fragment header (*see* Office Action dated March 21, 2008 ("Office Action") at p. 5). Applicants respectfully disagree.

More specifically, Bennion discloses a data format that includes, *inter alia*, a code point 202 (Bennion at FIG. 2). Bennion's code point 202 is two bytes long (*id.* at col. 5, line 13). One bit is used to indicate whether the data format corresponds to a container record 200 or a data-containing record 201 (*id.* at col. 5, lines 18-19). The other bit is free (*id.* at col. 5, line 20). Thus, Bennion's code point 202 does not indicate that the data format is devoid of any non-primitive data members. Rather, Bennion's code point 202 indicates whether the data format contains records or data.

Hong is cited in the Office Action as allegedly disclosing a "primitive data type comprising at least integers" (*see* Office Action at p. 5). Thus, the alleged teachings of Hong do not cure the foregoing deficiencies in the teachings of Bennion.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 38 patentably defines over Bennion and Hong. Applicants respectfully request, therefore, withdrawal of the rejection of claim 38 under 35 U.S.C. § 103(a).

Independent Claim 58

Independent claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of Hong and in further view of U.S. Patent No. 6,631,130 ("Roy"). Like claim 38, claim 58 also has been amended to recite a binary fragment header that has a type field for indicating that a binary fragment payload of a binary fragment is devoid of any non-primitive data members.

Roy is cited in the Office Action as allegedly teaching a type field that the binary fragment is the only fragment of an object (*see* Office Action at p. 25). Thus, the alleged teachings of Roy do not cure the foregoing deficiencies in the teachings of Bennion and Hong noted above.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 58 patentably defines over Bennion, Hong and Roy. Applicants respectfully request, therefore, withdrawal of the rejection of claim 58 under 35 U.S.C. § 103(a).

Independent claim 49

Independent claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of U.S. Patent Application Publication No. 2004/0220946 ("Krishnaprasad") and U.S. Patent No. 6,012,067 ("Sarkar") and in further view of U.S.

Patent No. 6,904,454 ("Stickler"). Without conceding the merits of the rejection, Applicants have amended claim 49 to further clarify the claimed subject matter.

As amended, claim 49 recites, in part, a collection start fragment having a collection start header. The collection start header includes a bit field *that indicates a property of a collection that is in at least one or more other fragments*. The Office Action contends that the code point 202 found at each of Bennion's records corresponds to the recited collection start fragment (*see* Office Action at p. 29). Applicants respectfully disagree.

As noted above, Bennion's code point 202 is used to indicate whether a data format corresponds to a container record 200 or a data-containing record 201. Thus, Bennion's code point 202 does not indicate a property of a collection that is in another record.

Krishnaprasad is cited in the Office Action as allegedly teaching a large object (LOB) fragment (*see* Office Action at p. 17). Sarkar is cited in the Office Action as allegedly teaching a value type field that indicates whether a payload of the LOB fragment includes an inline LOB or a pointer to a LOB location (*id*. at p. 18). Stickler is cited in the Office Action as allegedly teaching a bit field that indicates whether an order exists among two or more collection element fragments (*id*. at p. 19). Thus, the alleged teachings of Krishnaprasad, Sarkar and Stickler do not supply the missing teachings of Bennion.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 49 patentably defines over Bennion, Krishnaprasad, Sarkar and Stickler. Applicants respectfully request, therefore, withdrawal of the rejection of claim 49 under 35 U.S.C. § 103(a).

Independent Claim 55

Independent claim 55 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of Hong and in further view of Stickler. The subject matter of claim 49 discussed above is similarly recited in claim 55. Thus, Applicants respectfully submit that claim 55 patentably defines over Bennion, Hong and Stickler for at least the same reasons as claim 49. Applicants respectfully request, therefore, withdrawal of the rejection of claim 55 under 35 U.S.C. § 103(a).

Dependent Claims

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of Hong. Claims 40-43 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Bennion in view of Hong and Krishnaprasad and in further view of Sarkar. Claims 45-48 and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of Hong and in further view of Stickler. Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennion in view of Krishnaprasad and Sarkar and in further view of Stickler.

As claims 40-48, 54 and 57 depend from one of independent claims 38, 49, 55 or 58, Applicants respectfully submit that the dependent claims patentably define over the references relied upon in the Office Action for at least the same reasons discussed above. Applicants respectfully request, therefore, withdrawal of the rejections of the dependent claims under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Bryan T. Giles, at (215) 564-8954 to discuss the resolution of any remaining issues.

Respectfully submitted,

Date: September 22, 2008   /Bryan T. Giles/

                                                 Bryan T. Giles
                                                 Registration No. 60,078

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439